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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,595	10/21/2005	Nobuyuki Suda	Q85848	3437
23373 7590 01/04/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
			EXAMINER KNABLE, GEOFFREY L	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 01/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/522,595	Applicant(s) SUDA, NOBUYUKI	
	Examiner Geoffrey L. Knable	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/25/05; 8/31/06; 6/28/07.</u> | 6) <input type="checkbox"/> Other: ____  |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Glover et al. (US 5,178,714) or Perkins (US 4,871,409) or Off et al. (US 4,328,062).

Glover et al. (note esp. rollers 27 in the applicator head 28 in figures 2 and 4), Perkins (note esp. rollers 27 and 38 in fig. 2) and Off et al. (note esp. rollers 130 and 136 in fig. 4) each clearly disclose a device including an applicator head that travels over a support surface to deliver and apply/press a strip to the surface, the head in each instance including upper and lower rollers configured to have the strip wound there around in opposite directions and delivering the strip horizontally as claimed. A device as required by claims 1 and 5 is therefore considered to be clearly taught. As to claim 4, each reference also inclusive a cutting means that is disposed in the applicator head and therefore is disposable at a position corresponding to an edge of the support surface as claimed.

4. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Holloway et al. (US 3,223,572).

Holloway et al. (note esp. rollers 50 and 70 in fig. 3 and 50 and 806 in fig. 8) clearly discloses a device including an applicator head that travels over a support surface to deliver and apply/press a strip to the surface, the head including upper and lower rollers configured to have the strip wound there around in opposite directions and delivering the strip horizontally as claimed. A device as required by claims 1 and 5 is therefore considered to be clearly taught.

5. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover et al. (US 5,178,714) or Perkins (US 4,871,409) or Off et al. (US 4,328,062) as applied above, and further in view of at least one of [Higgins (US 4,285,752) and Chitwood et al. (US 3,574,040)].

Including a vacuum/suction device in the applicator head would have been obvious to the ordinary artisan in order to control/maintain positioning of the ribbon/tape both during application and after cutting, it being well known and conventional in tape laying heads to include suction means therein as shown for example by Higgins (col. 6, lines 38+) and Chitwood et al. (note 62 in fig. 2). Given the need to retain the cut edge, associating the suction device in proximity with the cutting means would likewise have been obvious for the readily apparent ability to retain the edge for subsequent laydowns.

6. Claims 6, 7, 10 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Among the closest prior art, Raabe et al. (US 4,173,509 - e.g. fig. 2) and Jovic (US 4,824,422) evidence it to be known in general to use engaging groove and ribs/ridges to maintain alignment of adjacent elements but would not reasonably render it obvious to include such in a device as in claim 1 with a guide plate configured and positioned as defined in claims 6 and 10. Buck (US 3,577,303) shows including a tape guide (80 in fig. 3) in a tape applying device and located between guide/applying rollers but would not teach or render obvious inclusion of ridges that would be complementary to grooves in the applied tape. None of the closest prior art, then, would teach or render obvious a device as required by claim 1 with the additional specific features of claims 6/10.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bradt (US 4,010,054 - fig. 14) is another example of an applicator with upper and lower rollers but is at present no more relevant than the applied prior art.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1791

G. Knable  
January 2, 2008